IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**and**
**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT APPEAL NO : 888 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/04/2005 in WPMP No.11448 of 2005 in WP NO : 8647 OF 2005 on the file of the High Court.)

Between:

Deepak Kumar Koushik (No.1738664) S/o.Sakhanlal Koushik
R/o.Hyderabad.

**..... APPELLANT**

AND

1 The Central Reserve Police Force rep by its Director General, New Delhi.
2 The Commandant 173, Battalion, Hyderabad.

**.....RESPONDENTS**

**Counsel for the Appellant:MR.ABHINAND KUMAR SHAVILI**

**Counsel for the Respondent Nos.1 and 2: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)**

**The Court made the following :**

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**&**
**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT APPEAL No : 888 of 2005**

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**JUDGMENT:** (Per the Honourable Sri Justice L.Narasimha Reddy)

This writ appeal is preferred by the appellant aggrieved by the refusal by the learned Single Judge, to pass interim orders in WPMP No.11448 of 2005 in W.P.No.8647 of 2005, dated 20.4.2005.

The petitioner was selected and appointed as a Constable in CRPF and he is undergoing training at 173 Battalion, Hyderabad. He has been served with a notice dated 21.3.2005 wherein he was intimated that his services would stand terminated with effect from the date of expiry of the period of one month from the date on which the notice is served i.e., 21.3.2005. No reasons are indicated for such course of action. The appellant filed the Writ petition No.8647 of 2005 assailing notice, dated 21.3.2005. The learned Single Judge ordered notice before admission on 20.3.2005.

The learned Counsel for the appellant submits that the notice, dated 21.3.2005 would come into force with effect from today and the very purpose of the writ petition becomes infructuous.

The learned Assistant Solicitor General appearing for the respondents, on the other hand, submits that it is not obligatory on the part of the respondents to furnish reasons for terminating the probatio. He submits that the very initial appointment of the appellant was subject to his successful completion of training and in that view of the matter, no interim orders are warranted at this stage. He contends that the appellant can work out his remedies even after the termination takes effect.

The circumstances under which, the notice dated 21.3.2005 came to be issued are not before this Court. It is only after the respondents file counter-affidavit and produce the record, the Court would be in a position to appreciate the same. It is not in dispute that the appellant was selected and appointed. Abrupt termination would result in denial of livelihood. It would have been a different thing, if the termination had taken place on account of any acts of indiscipline.

The learned Counsel for the appellant submits that the termination is resorted to only on account of certain skin allergy, suffered by the appellant, which was certified not to be grievous in nature.

Having regard to the fact that the appellant was selected to the post of constable and that no notices of indiscipline have been issued on an earlier occasion, we are of the view that pending consideration of WPMP filed in the writ petition, his interest needs to be protected. Any further observations made at this stage are likely to have their impact on the orders to be passed in the writ petition or WPMP as the case may be.

Hence, we dispose of the writ appeal directing that the notice dated 21.3.2005 served upon the petitioner shall not take effect till 15th June, 2005. We make it clear this order shall be treated as one in WPMP filed in the Writ Petition No.8647 of 2005. It shall be open to the respondents to move an application to vacate the same, if they so desire, before the learned Single Judge. In such event, the matter shall be decided uninfluenced by any observations made herein.

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Justice T.Meena Kumari

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Dated 21st April, 2005. Justice L. Narasimha Reddy

Nn.

To

1 The Director General, Central Reserve Police Force, New Delhi.
2 The Commandant 173, Battalion, Hyderabad.
3. The Section Officer, Writ Filing Section, High Court of A.P., Hyderabad.

4. Two C.D. copies.

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**&**

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

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**WRIT APPEAL(SR) NO : 48450 of 2005**

**(Judgment delivered by the Honourable Sri Justice L.Narasimha Reddy)**

**21st April, 2005**